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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,302	04/20/2004	Ming Nien	NIEN3034/EM	2576

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EXAMINER

PUROL, DAVID M

ART UNIT PAPER NUMBER

3634

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/827,302	NIEN, MING	
	Examiner	Art Unit	
	David M. Purol	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bryant. Bryant discloses a bottom rail 14, end caps 23 having a retaining portion 40.

2. Claims 1,2,5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Braun. Braun discloses a bottom rail 15, end caps 40 having a retaining portion.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6,7,9,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braun in view of Tachikawa et al. While Braun does not disclose the retaining portion as including a retaining hole cooperating with a protrusion, Tachikawa et al disclose an end cap 8 having a retaining portion which includes a retaining hole 14 cooperating with a protrusion 13, wherein, to incorporate this teaching into the end caps of Braun for the explicit purpose of fastening the end cap to the rail so as to preclude any undesired movement would have been obvious to one of ordinary skill in the art. The particular

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location of the retaining hole and protrusion with respect to the end cap and the bottom rail is seen as being a mere matter of design preference.


4. Claims 8,10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryant in view of Tachikawa et al. While Bryant does not disclose the retaining portion as including a retaining hole cooperating with a protrusion, Tachikawa et al disclose an end cap 8 having a retaining portion which includes a retaining hole 14 cooperating with a protrusion 13, wherein, to incorporate this teaching into the end caps of Bryant for the explicit purpose of fastening the end cap to the rail so as to preclude any undesired movement would have been obvious to one of ordinary skill in the art. The specific shape of the retaining hole and protrusion is seen as being a mere matter of design preference. The particular location of the retaining hole and protrusion with respect to the end cap and the bottom rail is seen as being a mere matter of design preference.

5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Braun in view of Renee. While Braun does not disclose the retaining portion as including an annular locating groove cooperating with an annular rib, Renee discloses a retaining portion which includes an annular locating groove 36 cooperating with an annular rib 34, wherein, to incorporate this teaching into the end cap of Braun for the explicit purpose of fastening the end cap to the rail so as to preclude any undesired movement would have been obvious to one of ordinary skill in the art.

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6. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Debs, Mayer, Sherwood, Schaefer et al, Hunter, Dressell, Daniels et al, Agos, Terlecke, Liu.

7. Any inquiry concerning this communication should be directed to David M. Purol at telephone number (571) 272-6833.


David M Purol
Primary Examiner
Art Unit 3634

DMP
(571) 272-6833
December 4, 2005